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The Indonesia Human Rights Campaign

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Briefing Paper: On using UN human rights procedures to make formal complaints against Indonesia

The United Nations provides a number of procedures for non-governmental organisations (NGOs) to submit complaints against countries for human rights abuses. Until now, in the case of Indonesia, these have been used primarily and with good effect, on the question of East Timor. Since 1987, the question of West Papua has also been raised to good effect.

Several of us who attended the UN Commission on Human Rights this year feel that far more attention should be given to this work. Not only should complaints about East Timor and West Papua be widened and intensified; other issues relating to abuses in Indonesia should also be raised, such as the widespread use of torture in Indonesia, the recent upsurge in executions of political prisoners and the manifestly unjust trials of Muslim political prisoners.

To summarise the various procedures available:

The confidential procedure under ECOSOC resolution 1503

This procedure may be used against all UN member-states, whether or not they are signatories of particular UN covenants. However, proceedings are conducted by the Sub-commission on Prevention of Discrimination and the Commission on Human Rights (CHR) in private and may continue for years without anything being known either about the complaints or the government's response, if any. In the view of the ICJ, oppressive governments are not much disturbed by the procedure which "tends to protect rather than restrain governments which violate human rights, owing to the rule that there can be no public discussion on countries singled out for consideration under this procedure".

Indonesia was once the subject of consideration under this procedure but, apart from the embarrassment of being known to be under 1503 scrutiny, the investigations had neither political nor moral impact, and certainly brought about no changes in Indonesia.

The public procedure under ECOSOC resolution 1235

This procedure enables the CHR or the Sub-commission to appoint a Special Rapporteur or a Working Group to make studies and submit reports. Rapporteurs may be appointed to consider certain countries; countries that have come under scrutiny include South Africa, Chile, Bolivia, El Salvador, Guatemala, Poland, Iran and Afghanistan. Such a move is of great value since it ensures that the country in question can be considered as a separate agenda item at CHR and Sub-commission meetings.

Because of political bargaining that has protected some countries, these Special Rapporteurs have had better results with some countries than with others, leading to the charge of "selective indignatism". This led the CHR to choose the following approach: If a situation in a country is particularly serious, a country-oriented approach is taken. If a certain phenomenon which is not restricted to one country causes serious concern, an issued-oriented approach is adopted. The precedent for the issue-oriented approach was set when disappearances became such a scandal in Argentina. Argentina was able to prevent the appointment of a Special Rapporteur on itself but not to prevent a working group on disappearances from being set up.

Action on Indonesia

The possibility of pressing for the appointment of a Special Rapporteur on a particular country depends very much on the degree of pressure and exposure given to that country. It would be excellent to have a Special Rapporteur appointed for complaints against Indonesia and this should be the goal. However, it is probably better to concentrate at present on raising as many issues as possible, thus creating a body of complaints that would make our eventual goal more attainable. The best approach for 1988/89 therefore seems to be:

- to make complaints to the rapporteurs and working groups, in advance of the 1988 meeting of the Sub-commission in August,
- to present complaints to the Sub-commission during its meeting in Geneva this August, and to the CHR at its meeting next year,
- to try to work out issues on which intensive lobbying is needed at this year's Sub-commission to bring about the adoption of a resolution containing recommendations to the CHR which meets in February-March 1989.

Complaints to rapporteurs and working groups

The following rapporteurs and working groups now exist:

Commission on Human Rights

Special Rapporteur on Torture	Peter Kooijmans
Special Rapporteur on Summary and Arbitrary Executions	S. Amos Wako
Working Group on Enforced or Involuntary Disappearances	Ivan Tosevski, chair, with five members
Special Rapporteur on Religious Intolerance	Angeolo Vidal d'Almeida Ribeiro

Sub-commission on Prevention of Discrimination and Protection of Minorities

Working Group on Indigenous Populations	Erica-Irene Daes, chair
Working Group on Slavery	Asbjorn Eide, chair.

Submissions can be sent by any NGO to any of these at: UN Centre for Human Rights, Palais des Nations, CH-1200 Geneva, Switzerland.

Submissions at the Sub-commission or CHR

NGOs may attend and speak at the meetings of these bodies but only if they can make their own arrangements to speak on behalf of an NGO which has consultative status with the UN. This requires careful preparation and organisation. NGOs with consultative status may only speak once on any agenda item. They often have issues of their own to raise and are usually inundated with requests from non-recognised NGOs for permission to use their consultative status.

This will require some degree of consultation and coordination, to ensure that we collectively make the best use of the facilities available.

Trying for a resolution in August 1988

This requires careful consideration and planning. It is premature to try at this moment to formulate the various options. Hopefully, in the next few months, it will be possible to discuss the options, in particular with those friends who have the most experience of doing this work in Geneva.

28 April 1988